SINGLE BENCH

(1) (4)

C.F. 100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6899/2006

PETITIONER

Santosh Kumar Sahu,
Son of Shri Gandhi Ram Sahu,
Aged about 45 years,
Assistant Teacher, Government Primary School, Kabirdham,
(Champa), Block Baloda,
Distt.Janjgir-Champa (C.G.)

P.R. No. 7034/06
Presented by Sh. A. Shukla
dated 21-12-06

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Department of Education,
Mantralaya, D.K.S Bhawan
Raipur (C.G.).

2. Director of Public Instruction,
Raipur (C.G.).

3. The District Education Officer,
District Janjgir-Champa (C.G.).

4. The Block Education Officer,
Block Baloda, District Janjgir-Champa (C.G.).

RECEIVED-COPY
Dated 8-12-06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE NATURE

(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 6899 of 2006

Petitioner : Santosh Kumar Sahu

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Ashwini Kumar Shukla, Advocate for the petitioner.

Mr. Sushil Dubey, Government Advocate for the respondents/State.

O R D E R

(Passed on this 23rd Day of February, 2007)

1. The petitioner was appointed vide order dated 21.6.86 (Annexure P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, he was granted regular pay.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect

that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Bablu